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it creates an absolute suspension of the power of alienation. The creation of a trust naturally suggests, though it does not necessarily involve, the idea of such suspension."

But in § 104, he quotes with approval from Gray on *Perpetuities* that it is a "mistaken idea that a trust violates the rule against perpetuities because it is to last indefinitely." And in § 103, he recognizes that the rule against perpetuities is aimed against the remote vesting of a future interest. Again in § 107 he refers to "the theory of undue restraint of trade," but this obviously has nothing to do with perpetuities or restraints upon alienation. In this section he also considers the effect of a power of sale with directions to reinvest upon the like trust. This is discussed at length in an article by Frank Dwight in the *COLUMBIA LAW REVIEW*<sup>3</sup> which is not mentioned by Mr. Sears.

Under the law as it existed prior to the enactment of the Revised Statutes of New York, these trusts involve neither a perpetuity in the sense of a too remote future interest, because the entire interest is a present and vested one, nor do they involve the suspension of the power of alienation, in so far as the interests of the *cestuis que trustent* are freely alienable. But, according to the doctrine prevailing in Massachusetts and some other states,<sup>4</sup> under certain circumstances trusts may be indestructible, although all interests are vested in a single person or class of persons and, therefore, trusts for an indefinite period may in these states be invalid as against public policy. And, according to the New York Revised Statutes, the interest of a *cestui que trust* in a trust created by a third person for the payment to him of the income during his life or a shorter term is inalienable. Hence, it would seem that trusts of this kind, if created by a testator in New York, must be limited in duration to the period of two lives in being, for the New York law forbids the suspension of the power of alienation for a longer period. On the other hand, it has been held that a trust to pay over income created for the benefit of the settlor himself gives him an alienable interest in the income. Such a trust, therefore, it would seem, does not involve a suspension of the power of alienation. If the trust is created by several persons, as by the members of a joint stock association or corporation, for their benefit, will the same rule be applied? Mr. Sears throws little new light upon any of these questions.

But, in spite of its defects, the practicing lawyer, who has occasion to advise with respect to this subject, will find the book a valuable aid in his study and investigations, and the second edition will undoubtedly be as widely used as the first edition. It may also be commended to the attention of our publicists, legislators and some of our judges. For, in pointing out this trust arrangement as a substitute for incorporation and a legal device for securing its substantial advantages without legislative sanction, it may furnish an antidote to the poison in the minds of those who vaguely conceive of a corporation as a real existence, created by legislative fiat and possessing extraordinary privileges, which may be oppressed and abused without effect upon its stockholders, the men, women and children who are the substantial owners of its property and income.

GEORGE F. CANFIELD

COLUMBIA LAW SCHOOL

A HANDBOOK ON THE LAW OF PERSONS AND DOMESTIC RELATIONS. By WALTER C. TIFFANY. Third editions, by ROGER W. COOLEY. St. Paul, Minn.: WEST PUBLISHING CO. 1921. pp. xv, 769.

<sup>3</sup> (1907) 7 COLUMBIA LAW REV. 589.

<sup>4</sup> See Gray, *Perpetuities*, (3d ed. 1915) § 120ff.; (1915) 28 Harvard Law Rev. 725.

The second edition of this popular member of the Hornbook family, published in 1909, was well received.<sup>1</sup> The present third edition by the same editor is undoubtedly an improvement. More than one hundred pages of new notes and text have been added. But due to the use of thin paper the new edition is smaller in bulk than the old.

The increase in the number of pages is accounted for chiefly by the incorporation of later decisions in the notes and by additional matter added to the chapter on Marriage and the chapter on Legitimacy and Adoption of Children. Only limited treatment is given the important change in the law of master and servant occasioned by the widespread adoption of Workmen's Compensation Acts since the date of the second edition. A few paragraphs on this new legislation are added at the end of the section treating the master's liability for injuries to the servant.

Doubtless it is fairer to judge an elementary book by what it contains than by what it omits. Even so it seems fair to call attention to such omissions as could be rectified by slight increase in bulk or by displacing less important matter. It is to be regretted that no attempt has been made to cite at least the more important of the numerous notes and articles to be found in the standard law reviews. The inadequate treatment of *Haddock v. Haddock*,<sup>2</sup> for example, would be greatly improved by the addition of a few such citations. Though it has been found possible to add an interesting page on marriage by proxy, no room is found even in the expanded third edition for treatment of the more practical problems of breach of promise and alimony. It would also seem that even in an elementary book place might be found for some reference to the case of *Foote v. Nickerson* in the discussion of separation agreements; for the recent case of *Davis v. Condit*<sup>4</sup> on seduction; for some special reference to the various acts<sup>5</sup> sponsored by the Commissioners on Uniform Laws; and for calling special attention to the elaborate and valuable note on infancy following the case of *Craig v. Van Beber*<sup>6</sup> in 18 Am. St. Rep. 569.<sup>7</sup>

The statements in the second edition which have been criticised<sup>8</sup> and for the most part deservedly, remain in general unchanged in the present edition. In addition criticism might well be made of the statement (3d ed. p. 91) praising the minority view extending the technical doctrine of presumed coercion by the husband to the crime of murder committed by the wife. In view of the increasing independence of married women under modern statutes any extension of this doctrine, always hard to justify, merit anything but commendation. Its total abolition by statute would seem desirable.

But on the whole the book in spite of omissions and inaccuracies succeeds in fulfilling its purpose of accurately stating the law in elementary form.

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<sup>1</sup> See the reviews in (1910) 10 COLUMBIA LAW REV. 375; (1909) 23 Harvard Law Rev. 157; (1909) 19 Yale Law Journ. 140; (1910) 8 Michigan Law Rev. 258.

<sup>2</sup> (1906) 201 U. S. 562, 26 Sup. Ct. 525.

<sup>3</sup> (1901) 70 N. H. 496, 48 Atl. 1088.

<sup>4</sup> (1914) 124 Minn. 365, 144 N. W. 1089.

<sup>5</sup> The Migratory Divorce Act, The Annulment of Marriage and Divorce Act, The Family Desertion Act, The Marriage License Act, and The Marriage Evasion Act.

<sup>6</sup> (1890) 100 Mo. 584, 13 S. W. 906.

<sup>7</sup> The omission is more noteworthy because the editor directs special attention (3d ed. p. 307) to a less elaborate note on bastardy proceedings in (1852) 56 Am. Dec. 210.

<sup>8</sup> By A. B. A. B. in (1910) 10 COLUMBIA LAW REV. 375; by E. H. in (1910) 8 Michigan Law Rev. 258; and by J. W. in (1909) 23 Harvard Law Rev. 157.